

2 **ESHB 2078** - S AMD TO S AMD (S-2886.1/99) - 469
3 By Senator Morton

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5 Beginning on page 108, after line 31 of the amendment, strike all
6 of section 258 and insert the following:

7 "**Sec. 258.** RCW 77.16.360 and 1997 c 1 s 1 are each amended to read
8 as follows:

9 (1) Notwithstanding the provisions of RCW (~~77.12.240 and 77.12.265~~
10 ~~or other provisions of law~~) 77.36.020 or 77.36.030, it is unlawful to
11 take, hunt, or attract black bear with the aid of bait.

12 (a) Nothing in this subsection shall be construed to prohibit the
13 killing of black bear with the aid of bait by employees or agents of
14 county, state, or federal agencies while acting in their official
15 capacities for the purpose of protecting livestock, domestic animals,
16 private property, or the public safety.

17 (b) Nothing in this subsection shall be construed to prevent the
18 establishment and operation of feeding stations for black bear in order
19 to prevent damage to commercial timberland.

20 (c) Nothing in this subsection shall be construed to prohibit the
21 director from issuing a permit or memorandum of understanding to a
22 public agency, university, or scientific or educational institution for
23 the use of bait to attract black bear for scientific purposes.

24 (d) As used in this subsection, "bait" means a substance placed,
25 exposed, deposited, distributed, scattered, or otherwise used for the
26 purpose of attracting black bears to an area where one or more persons
27 hunt or intend to hunt them.

28 (2) Notwithstanding RCW (~~77.12.240 or any other provisions of~~
29 ~~law~~) 77.36.020 or 77.36.030, it is unlawful to hunt or pursue black
30 bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

31 (a) Nothing in this subsection shall be construed to prohibit the
32 killing of black bear, cougar, bobcat, or lynx with the aid of a dog or
33 dogs by employees or agents of county, state, or federal agencies while
34 acting in their official capacities for the purpose of protecting
35 livestock, domestic animals, private property, or the public safety.
36 (~~A dog or dogs may be used by the owner or tenant of real property~~

1 ~~consistent with a permit issued and conditioned by the director under~~
2 ~~RCW 77.12.265.)~~)

3 (b) Nothing in this subsection shall be construed to prohibit the
4 director from issuing a permit or memorandum of understanding to a
5 public agency, university, or scientific or educational institution for
6 the use of a dog or dogs for the pursuit of black bear, cougar, bobcat,
7 or lynx for scientific purposes.

8 (3) Notwithstanding subsection (2) of this section:

9 (a) The commission shall authorize the use of dogs only in selected
10 areas within a game management unit or units to address a specific
11 number of cougars in response to public safety needs or in response to
12 livestock or pet depredations. This authority may only be exercised
13 after the commission has determined that no other practical alternative
14 to the use of dogs exists, and after the commission has adopted a rule
15 or rules describing the conditions in which dogs may be used.
16 Conditions which may warrant the use of dogs within a game management
17 unit include, but are not limited to, confirmed cougar/human safety
18 incidents, confirmed cougar/livestock or pet depredations, and the
19 number of cougar capture attempts and relocations;

20 (b) The director may authorize the use of dogs with a permit issued
21 pursuant to RCW 77.12.240.

22 (4) A person who violates subsection (1) or (2) of this section is
23 guilty of a gross misdemeanor. In addition to appropriate criminal
24 penalties, the director shall revoke the hunting license of a person
25 who violates subsection (1) or (2) of this section and a hunting
26 license shall not be issued for a period of five years following the
27 revocation. Following a subsequent violation of subsection (1) or (2)
28 of this section by the same person, a hunting license shall not be
29 issued to the person at any time."

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